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AUG 21 2008	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY _____

DIANE J. HUMETEWA
United States Attorney
District of Arizona

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Logan William Davis,

Defendant.

08-282M
PLEA AGREEMENT
(Flip-Flop)

Sentencing Guidelines do Not Apply

The parties enter into the following agreement:

1. Defendant will enter a plea to Count 2 of the Complaint, Aiding and Abetting an Alien to Elude Examination and Inspection by Immigration Officers of the United States, a Class B misdemeanor offense, in violation of Title 8, United States Code, Section 1325(a)(2) and Title 18, United States Codes, Section 2. This plea will expire no later than one day before the time set for preliminary hearing/video depositions, or, in the event that the preliminary hearing/video depositions are waived, 20 business days after the initial appearance, or if the defendant is indicted on the felony charge, whichever may come first.

2. The government will dismiss Count 1 of the Complaint, Transporting of Illegal Aliens, a felony, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii). This charge, if proven, carries a maximum term of imprisonment of ten years. The government will dismiss this charge at the time of sentencing.

1 3. The maximum penalties for the offense to which I am pleading are six (6)
2 months in custody, a \$5,000 fine, and a \$10 special assessment.

3 4. Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the government
4 and the defendant stipulate and agree to a sentence of **ninety (90) days of imprisonment**.

5 5. The parties waive a Presentence Report and agree that sentencing will occur
6 on the date of change of plea.

7 6. The defendant waives any and all motions, defenses, probable cause
8 determinations, and objections which the defendant could assert to the charge or to the
9 Court's entry of judgment against the defendant and imposition of sentence upon the
10 defendant providing the sentence is consistent with this agreement. The defendant further
11 waives: (1) any right to appeal the Court's entry of judgment against defendant; (2) any right
12 to appeal the imposition of sentence upon defendant under Title 18, United States Code,
13 Section 3742 (sentence appeals); and (3) any right to collaterally attack defendant's
14 conviction and sentence under Title 28, United States Code, Section 2255, or any other
15 collateral attack.

16 7. Waiver of Defendant's Rights. I have read each of the provisions of the entire
17 plea agreement with the assistance of counsel and understand its provisions. I have discussed
18 the case and my constitutional and other rights with my attorney. I understand that by
19 entering my plea of guilty I will be giving up my right to plead not guilty; to confront, cross-
20 examine, and compel the attendance of witnesses; to present evidence in my defense; to
21 remain silent and refuse to be a witness against myself by asserting my privilege against self-
22 incrimination; all with the assistance of counsel, to be presumed innocent until proven guilty
23 beyond a reasonable doubt, and to appeal.

24 I agree to enter my guilty plea as indicated above on the terms and conditions set forth
25 in this agreement.

26


1 I have been advised by my attorney of the nature of the charge to which I am entering
2 my guilty plea. I have further been advised by my attorney of the nature and range of the
3 possible sentence.

4 My guilty plea is not the result of force, threats, assurance or promises other than the
5 promises contained in this agreement. I agree to the provisions of this agreement as a
6 voluntary act on my part, and I agree to be bound according to its provisions.

7 I agree that this written plea agreement contains all the terms and conditions of my
8 plea and that promises made by anyone (including my attorney) that are not contained within
9 this written plea agreement are without force and effect and are null and void.

10 I am satisfied that my defense attorney has represented me in a competent manner.

11 I am not now on or under the influence of any drug, medication, liquor, or other
12 intoxicant or depressant, which would impair my ability to fully understand the terms and
13 conditions of this plea agreement.

14 8. Elements of the Offense

15 1. Venancio de Jesus-Catarino is an alien;

16 2. Venancio de Jesus-Catarino eluded examination or inspection by
17 immigration officers;

18 3. The defendant transported Venancio de Jesus-Catarino within the United
19 States with the intent to assist and aid or abet Venancio de Jesus-Catarino to elude
20 examination or inspection by immigration officers and to remain in the United States
21 unlawfully; and

22 4. The offense was committed in the District of Arizona.

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34-1214

9. Factual Basis

On or about July 17, 2008, at or near Casa Grande, in the District of Arizona, I, Logan William Davis, was driving a 2005 Chevrolet Silverado. The Silverado contained three (3) passengers, all of whom were illegal aliens. Venancio de Jesus-Catarino was among the passengers. I knew that the people I was transporting were illegally in the United States, and I was aiding and abetting their presence in the United States. I was transporting them in order to assist them in eluding examination and inspection by Immigration Officials of the United States.

Date

7/28/08
24(RTH)Logan William Davis
DefendantDEFENSE ATTORNEY'S APPROVAL

I have discussed this case and the plea agreement with my client in detail and have advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the constitutional and other rights of an accused, the factual basis for and the nature of the offense to which the guilty plea will be entered, possible defenses, and the consequences of the guilty plea, including the defendant's waiver of the right to appeal. No assurances, promises, or representations have been given to me or to the defendant by the government or by any of its representatives which are not contained in this written agreement. I concur in the entry of the plea as indicated above and on the terms and conditions set forth in this agreement as in the best interests of my client. I agree to make a bona fide effort to ensure the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R. Crim. P.

I translated or caused to be translated this agreement from English into Spanish to the defendant on the _____ day of _____

Date

7/25/08

24(RTH)

Robert Truman Hungerford
Attorney for Defendant

24 RTH

GOVERNMENT'S APPROVAL

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

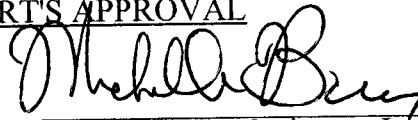
DIANE J. HUMETEWA
United States Attorney
District of Arizona

8/21/2008
Date


JOSH PATRICK PARECKI
Assistant U.S. Attorney

COURT'S APPROVAL

8/21/08
Date


United States Magistrate Judge

85 RTH